

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

FOREST LABORATORIES, INC.,  
FOREST LABORATORIES HOLDINGS,  
LTD., MERZ PHARMA GMBH & CO.  
KGAA, and MERZ PHARMACEUTICALS  
GMBH,

Plaintiffs,

v.

C.A. No. 08-021 (GMS)

COBALT LABORATORIES INC., LUPIN  
PHARMACEUTICALS, INC., LUPIN LTD.,  
ORCHID PHARMACEUTICALS INC.,  
ORCHID CHEMICALS &  
PHARMACEUTICALS LTD. (d/b/a ORCHID)  
HEALTHCARE), TEVA  
PHARMACEUTICALS USA, INC.,  
UPSHER-SMITH LABORATORIES, INC.,  
WOCKHARDT USA INC., and  
WOCKHARDT LIMITED,

Defendants.

**DECLARATION OF MAILING**

Maryellen Noreika. declares as follows:

1. I am a member at the law firm of MORRIS, NICHOLS, ARSHT & TUNNELL LLP, counsel to plaintiffs in this action.
2. Defendant Lupin Pharmaceuticals, Inc. ("Lupin Pharma") is a Virginia corporation, and the wholly-owned subsidiary and agent of Defendant Lupin Ltd., having a principal place of business at Harborplace Tower, 111 S. Calvert Street, 21st Floor, Baltimore, Maryland 21202.

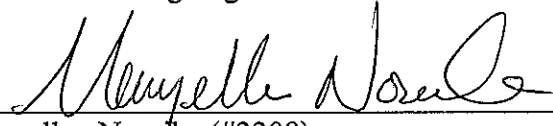
3. Pursuant to Lupin Pharma's December 13, 2007 Notice of Paragraph IV Certification letter, Mark Attar, Esquire is an agent authorized to accept service on behalf of Lupin Pharma.

4. The Summons and Complaint in this action were served on defendant Lupin Pharma on January 11, 2007, pursuant to 10 *Del. C.* § 3104, by hand delivery to the Delaware Secretary of State, together with the statutory fee of \$2.00. A copy of the Summons, showing the service on the Secretary of State, was filed with the Court on January 14, 2007.

5. On January 14, 2008, copies of the Summons and Complaint were sent by registered mail to Lupin Pharma, c/o Mark Attar, Esquire, SCHIFF HARDIN, LLP, 1666 K. Street, N.W., Suite 300, Washington, DC 20036, together with a notice stating that the service of the originals of such process had been made upon the Delaware Secretary of State, and that under 10 *Del. C.* § 3104, such service is as effectual to all intents and purposes as if it had been made upon Lupin Pharma personally within this state. *See Exhibit A.*

6. The registered mail return receipt that I received on January 29, 2008, shows that Lupin Pharma received and accepted the Summons, Complaint and notice. *See Exhibit B.*

I declare under penalty of perjury that the foregoing is true and correct.

  
\_\_\_\_\_  
Maryellen Norelka (#3208)

**CERTIFICATE OF SERVICE**

I hereby certify that on January 30, 2008 I electronically filed the foregoing with the Clerk of the Court using CM/ECF, which will send notification of such filing to:.

Mary B. Matterer, Esquire  
MORRIS JAMES LLP

Kelly E. Farnan, Esquire  
RICHARDS, LAYTON & FINGER, P.A.

Frederick L. Cottrell, III, Esquire  
Anne Shea Gaza, Esquire  
RICHARDS, LAYTON & FINGER, P.A.

I further certify that I caused to be served copies of the foregoing document on January 30, 2008 upon the following in the manner indicated:

Mary B. Matterer, Esquire  
MORRIS JAMES LLP  
500 Delaware Avenue  
Suite 1500  
Wilmington, DE 19801  
*Counsel for Cobalt Laboratories Inc.*

*VIA ELECTRONIC MAIL  
and HAND DELIVERY*

William A. Rakoczy, Esquire  
Paul J. Molino, Esquire  
Deanne M. Mazzochi, Esquire  
Neil A. Benchell, Esquire  
John Polivick, Esquire  
RAKOCZY MOLINO MAZZOCHI SIWIK LLP  
6 West Hubbard Street  
Suite 500  
Chicago, IL 60610  
*Counsel for Cobalt Laboratories Inc.*

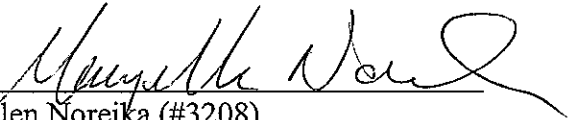
*VIA ELECTRONIC MAIL*

Kelly E. Farnan, Esquire  
RICHARDS, LAYTON & FINGER, P.A.  
One Rodney Square  
920 North King Street  
Wilmington, DE 19801  
*Counsel for Wockhardt USA Inc. and  
Wockhardt Limited*

*VIA ELECTRONIC MAIL  
and HAND DELIVERY*

Frederick L. Cottrell, III, Esquire  
Anne Shea Gaza, Esquire  
RICHARDS, LAYTON & FINGER, P.A.  
One Rodney Square  
920 North King Street  
Wilmington, DE 19801  
*Counsel for Upsher-Smith Laboratories Inc.*

*VIA ELECTRONIC MAIL  
and HAND DELIVERY*

  
\_\_\_\_\_  
Maryellen Noreika (#3208)

# EXHIBIT A

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

1201 NORTH MARKET STREET  
P.O. Box 1347  
WILMINGTON, DELAWARE 19899-1347

302 658 9200  
302 658 3989 FAX

MARYELLEN NOREIKA  
302 351 9278  
302 425 3011 FAX  
mnoreika@mnat.com

January 14, 2008

**REGISTERED MAIL**  
**RETURN RECEIPT REQUESTED**

Lupin Pharmaceuticals, Inc.  
c/o Mark Attar, Esquire  
SCHIFF HARDIN, LLP  
1666 K. Street, N.W.  
Suite 300  
Washington, DC 20036

Re: Service of Process  
*Forest Laboratories, Inc., et al. v. Cobalt Laboratories Inc., et al.*  
C.A. No. 08-021

Dear Mr. Attar:

Pursuant to Lupin Pharmaceuticals, Inc. designation of you as a person authorized to accept service of process in connection with its December 13, 2007 paragraph IV certification letters, enclosed for service of process are copies of the Summons, Complaint for patent infringement, Notice of Availability of a United States Magistrate Judge and Plaintiffs' Fed. R. Civ. P. 7.1 Statements.

Sincerely,

  
Maryellen Noreika

MN/dlb  
Enclosures

# EXHIBIT B

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p>		<p>A. Signature <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p><i>[Signature]</i></p>	
<p>1. Article Addressed to:</p> <p>Lupin Pharm, Inc 40 Mark Aftar, Esq Schiff Hardin LLP 1146 K Street, NW Suite 300 Washington DC 20036</p>		<p>B. Received by (Printed Name) C. Date of Delivery</p> <p>L. Christian 1.16.08</p>	
<p>2. Article Number (Transfer from service label) RA 122 311 104 US MN</p>		<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>	
<p>3. Service Type</p> <p><input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail</p> <p><input checked="" type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>		<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	
PS Form 3811, February 2004		Domestic Return Receipt 102595-02-M-1540	

Registered No. RA 122 311 104 US		Date Stamp
<p>Reg. Fee 9.50</p> <p>Handling Charge Return Receipt 2.15</p> <p>Postage 1.39 Restricted Delivery</p> <p>Received by <i>[Signature]</i></p> <p>Customer Must Declare Full Value \$ <input type="checkbox"/> With Postal Insurance <input checked="" type="checkbox"/> Without Postal Insurance</p>		<p>RODNEY SQ STA WILMINGTON DE 19899</p> <p>JAN 14 2008</p> <p>Domestic Insurance up to \$25,000 is included in the fee. International Indemnity is limited. (See Reverse).</p>
<b>OFFICIAL USE</b>		
<p>To Be Completed By Customer (Please Print) All Entries Must Be in Ballpoint or Typed</p> <p>FROM MORRIS, NICHOLS, ARSH &amp; TUNNELL LLP P.O. BOX 1347 WILMINGTON, DE 19899 MN</p> <p>TO Lupin Pharm 40 Mark Aftar Schiff Hardin; 1146 K Street Suite 300 Washington DC 20036</p>		
<p>PS Form 3806, Receipt for Registered Mail Copy 1 - Customer May 2004 (7530-02-000-9051) (See Information on Reverse) For domestic delivery information, visit our website at <a href="http://www.usps.com">www.usps.com</a></p>		